



What You Need to Know About Child Labor Laws

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Child Labor

Regulation of Employment of Minors

- Minors – those under 18 years of age
- Federal – Fair Labor Standards Act
- Wisconsin – Child Labor & Street Trades Laws



Child Labor

Wisconsin Law Regulates:

- Types of work in which minors may engage
 - Work permit requirement
 - List of prohibited work / occupations (Hazardous Orders)
- Hours of labor



Child Labor

Work Permit Required (Child Labor/Street Trades)

- Issued to employer -- not to minor
- Not required in agriculture, for Youth Apprentices, or in domestic service
- To obtain a permit, the minor must bring:
 - letter of intent to hire, explaining hours/duties
 - birth certificate / Wis. driver's license
 - social security card
 - parental consent
 - \$10.00 fee (paid by employer or reimbursed)



Child Labor

At what age may minors work?

- Generally, must be 14. May work as young as 12 in the following areas:
 - Agriculture
 - Domestic Service
 - School lunch programs
 - Caddies on golf courses
 - Street Trades
 - Working in a business owned by a parent



Child Labor

Hours and time of day restrictions

- Depends upon age of minor and time of year.
- Minors may not work more than 6 consecutive hours without at least a 30-minute meal period.



Child Labor

Limitations on Hours: 16 & 17-year-olds

- 16 and 17-year-old minors have no daily, weekly, or time of day restrictions, except that they may not work during hours they are required to attend school.
- Must receive time and one-half after 10 hours in a day.



Child Labor

Limitations on Hours: Under 16

Minors under 16 years of age are limited to working no more than 3 hours per day on school days, and no more than 8 hours per day on non-school days.

- From the day after Labor Day through May 31, they may work no more than 18 hours in a week (Sunday through Saturday) and their work must be between the hours of 7:00 a.m. and 7:00 p.m.
- From June 1 through Labor Day, they may work no more than 40 hours in a week (Sunday through Saturday) and their work must be between the hours of 7:00 a.m. and 9:00 p.m.



Child Labor

Prohibited Employment

- Generally, type of work or piece of machinery is prohibited
-- not an establishment
- Depends upon the age of the minor



Prohibited / Hazardous Employment

- Work prohibited to ALL minors is listed, alphabetically in the Administrative Code (Wis. Admin. Code § DWD 270.12). It includes such items as:
 - Coal mines
 - Hoists & hoisting apparatuses
 - Lifeguards
 - Meat processing
- It is important to read each section; there are always exceptions.



Prohibited / Hazardous Employment

- Work prohibited to minors under the age of 16 only is listed, alphabetically at Wis. Admin. Code § DWD 270.13. It includes such items as:
 - Construction
 - Hospitals and nursing homes
 - Loading and unloading
 - Manufacturing, mining, & processing occupations
- Certain sections have exceptions and clarifications.



Child Labor

Exceptions - Prohibited Employment

- Apprentices
- High School Graduates
- Student Learners



Apprentice Exemption

See Wis. Admin. Code § DWD 270.14(1).

- Minors indentured under Wis. Stat. § 106.01. Exempt if performing work within the provisions of a contract of apprentice indenture approved by DWD.



High School Graduate Exemption

See Wis. Admin. Code § DWD 270.14(2).

- Minors who have graduated from high school or completed GED test may perform otherwise prohibited work, except:

- Bakery machines
- Brick & tile manufacturing
- Coal mining
- Explosives
- Hoists
- Logging
- Meat processing
- Metal-forming machines
- Mining, other than coal
- Motor vehicle driver
- Paper-products machines
- Radioactive substances
- Saws
- Woodworking machines
- Wrecking & demolition



Student Learner Exemption

See Wis. Admin. Code § DWD 270.14(3).

- A "student learner" is a
 - student of an accredited school who is
 - employed on a part–time basis to obtain both scholastic credit and
 - employment training
 - under a bona fide written school-work training program agreement.



Student Learner Exemption

- A student learner is permitted to do some work that is otherwise prohibited if the student learner is performing service within a bona fide school-work training program
- sponsored by an accredited school
- authorized and approved by
 - the state department of public instruction,
 - the technical college system board, or
 - the department's youth apprenticeship program.



Student Learner Agreement Must Include:

- Any work prohibited under DWD 270.12- 270.13 is incidental to student learner's training, and shall be intermittent and for short periods of time.
- The student learner shall be under the direct and close supervision of a qualified and experienced person.
- That safety instructions will be given by the school and correlated by the employer with on-time job training.
- A schedule of organized and progressive work processes to be completed on the job.



Types of Work That Are Always Prohibited Under Student Learner Agreements

- Bakery machines
- Manufacturing of brick, tile and similar products
- Coal mining
- Explosives
- Hoists and hoisting apparatuses (except those that are allowed to all minors)
- Logging, saw mill, lath mill, shingle mill, or cooperage stock mill
- Mining, other than coal
- Motor vehicle driver or outside helper
- Radioactive and ionizing radiations substances
- Strikes & lockouts
- Wrecking, demolition and ship breaking
- Gun clubs (always okay 16 & over; prohibited under 16)
- Manufacturing , mining or processing applications (always okay 16 & over; prohibited under 16)



Prohibited / Hazardous Employment

Resources:

- Guide to Wisconsin's Child Labor Laws:
https://dwd.wisconsin.gov/er/labor_standards/work_permit/guide_to_child_labor.htm
- Manufacturing & Construction Equipment & Wisconsin's Child Labor Laws:
https://dwd.wisconsin.gov/dwd/publications/erd/pdf/erd_17607_p.pdf



Hoists and Hoisting Apparatuses

- 16/17 year old may operate floor jacks , service jacks, hand jacks drive on lifts, arm lifts, (and some automation and signal elevators see DWD 270.12(12)) used in conjunction with repairing or servicing motor vehicles.



17 Year Olds May Operate an Automobile If:

- The driving is only occasional and incidental to the minor's employment,
- The driving is restricted to daylight hours,
- The driving takes place within a 30-mile radius of the minor's place of employment,
- The motor vehicle does not exceed 6,000 pounds gross vehicle weight,
- The minor has completed driver's education and has a valid license,



17 Year Olds May Operate an Automobile If:

- The minor has no records of any moving violations at the time of hire,
- The vehicle has seatbelts for all occupants, and the employer has instructed the minor that the belts must be used when driving and riding,
- The driving does not involve towing of vehicles; route delivery or sales; transportation for hire of property, goods, or passengers; urgent time sensitive deliveries, transporting more than 3 passengers who are employees of the employer.



Minimum Wage Rates

- \$7.25 per hour
- During the first 90 consecutive days of employment, employers may pay an “opportunity rate” of \$5.90 per hour.
 - + Applies to persons under the age of 20.
 - + On the 91st day, rate must increase to \$7.25 per hour.



Contact Us

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Hit “0” and ask to speak to someone in Labor Standards.

ERD Website: <https://dwd.wisconsin.gov/er/>

